

REMARKS/ARGUMENTS

The Examiner states that in accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-3, drawn to a prolylendopeptidase-inhibitive agent comprising an extract of a cereal grain as an active component.

Group II, claims 4-7, drawn to a method for preparing a prolylendopeptidase-inhibitive agent comprising extracting a cereal grain with water, organic solvent, or mixtures thereof.

Group III, claim 8, drawn to a compound of formula (II).

Group IV, claims 9-11, drawn to a method of preparing a compound of formula (II) comprising extracting a cereal grain and then isolating the compound from the extract.

Group V, claims 12-13, drawn to a prolylendopeptidase-inhibitive agent comprising the compound according to Claim 8 as an active component.

Group VI, claims 14 and 16, drawn to a germinated brown rice comprising prolylendopeptidase-inhibition activity.

Group VII, claim 15, drawn to a food product comprising the germinated brown rice according to claim 14.

Group VIII, claims 17-18, drawn to a method of preventing, reducing, treating, arresting, or alleviating cerebral dysfunction in a human or animal comprising administering the food product according to Claim 13 to a human or animal in which said preventing, reducing, treating, arresting, or alleviating is intended.

Group IX, claims 19-20, drawn to a method of preventing, reducing, treating, arresting, or alleviating cerebral dysfunction in a human or animal comprising administering the food product according to Claim 13 to a human or animal in which said preventing, reducing, treating, arresting, or alleviating is intended.

The restriction requirement is traversed on the ground that unity of invention does exist between the groups, a technical relationship between them being present. It is this technical feature that defines the contribution that each of the groups, taken as a whole, makes over the prior art. Specifically, the claims drawn to an agent, its preparation and its use manifestly define a technical feature complying with the unity of invention requirement in a PCT national stage application. The Examiner has not explained why each group lacks unity with each other group and has not specifically described the unique special technical features in each group to justify the conclusion of lack of unity of invention.

Accordingly, Applicants submit that the present restriction requirement is improper and should be withdrawn.

Further, M.P.E.P. § 803 states:

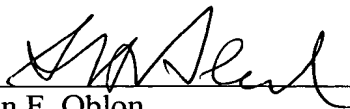
If the search and examination of an entire application can be made without a serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent invention.

Applicants submit that a search of all the claims would not impose a serious burden on the Office, the claims being related to each other.

It is submitted that this application is now in condition for examination on the merits and which is solicited.

Respectfully submitted,

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